

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

August 6, 2009

**ROBERT J. SAMANIE, III
CHAIRMAN**

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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**AGENDA
LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
AUGUST 6, 2009**

		Page
1.	Roll Call	1
2.	Approval of Minutes of July 2, 2009	1
3.	Commission Special Announcements/Personal Privilege	1
4.	To receive and hear Enforcement & Aviation Reports/July	1
5.	To announce a Lease for Additional Property to Russell Sage Wildlife Management Area	2
6.	To receive and present Wood Duck Banding Awards	2
7.	To receive and consider Tentative Dates and Regulations for 2009-2010 Duck Seasons	2
8.	To receive and consider Resolution on Elmer's Island	6
9.	To receive and consider Resolution and Declaration of Emergency to set the opening and closing dates for the 2009 Fall Inshore Shrimp Season	8
10.	To receive and consider Resolution and Declaration of Emergency for the 2009-2010 Oyster Season on Public Oyster Areas	11
11.	Set December 2009 Meeting Date	19
12.	Receive Public Comments	19
13.	Adjournment	20

MINUTES OF THE MEETING
OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, August 6, 2009

Chairman Robert J. Samanie, III presiding.

Earl King, Jr.
Patrick Morrow
Stephen Oats
Stephen Sagrera
Ann Taylor

Secretary Robert Barham was also present.

Commissioner Ronald Graham was absent from the meeting.

Chairman Samanie called for a motion for approval of the **July 2, 2009 Commission Minutes**. A motion for approval was made by Commissioner Oats and seconded by Commissioner Morrow. The motion passed with no opposition.

Under **Commission Special Announcements/Personal Privilege** for this month, Commissioner Oats stated he will not attend the September meeting due to a prior commitment. Then Chairman Samanie congratulated Captain Sammy Martin on his promotion to Major.

To receive and hear Enforcement & Aviation Reports/July began with Lt. Col. Keith LaCaze stating a total of 2083 cases and 632 written warnings were issued and agents helped with 55 public assists. The general focus this month was on boating, safety, and fisheries enforcement. A big effort was conducted during July on boating under the influence which resulted in 63 DWI's throughout the state. There were 19 boating accidents reported for a total of 89 for the year with 12 injuries (80 total injuries) and 1 fatality bringing that total to 21 for the year. The accidents discussed occurred in St. Tammany, Terrebonne, Livingston, Tangipahoa and Ouachita Parishes. The Aviation Report showed the Departments three planes flew a total of 67.3 hours during July. News Releases discussed included a drug arrest in Sabine Parish; use of skimmer nets during a closed season in Plaquemines Parish; and 8 people from Mississippi cited for Federal Fisheries violations. Then Lt. Col. LaCaze stated 22 agents participated in swift water rescue training and interviews were being conducted for a new academy which may begin on September 8.

To announce a Lease for Additional Property to Russell Sage Wildlife Management Area was pulled from the agenda for this month.

To receive and present Wood Duck Banding Awards was the first of two items for Mr. Larry Reynolds. He began stating the daily bag limit last year on wood ducks was raised from 2 to 3 per day. This decision was based on the banding data of which the Department was a strong partner having banded over 30,000 birds since 1991. This effort is still valuable to evaluate the effect of the change with the increase in harvest. Each year, the Fish and Wildlife Service issues a quota on the number of wood ducks to be banded and the staff strives to meet or exceed that quota. For those that do meet their quota, the Service provides recognition. During 2008, Hurricane Gustav impacted the banding at the time of pre-season banding. Mr. Reynolds noted only one region met their quota and at this time he presented a plaque to Mr. Jimmy Stafford and Mr. Mike Perot representing the staff of Region 7. They banded 539 of the 767 wood ducks banded. Then Mr. Reynolds noted that in 2003, Mr. Robert Helm created the Louisiana Department of Wildlife and Fisheries Wood Duck Banding Award which would provide recognition to the best within the state. Again, Region 7 was presented the award. Chairman Samanie thanked and congratulated the staff for their efforts. Commissioner Morrow felt the efforts of the Department and the banding project allowed Louisiana to increase the take from 2 to 3 wood ducks. He then thanked the entire staff on behalf of all of the sportsmen in Louisiana.

Mr. Larry Reynolds began his last item, **To receive and consider Tentative Dates and Regulations for 2009-2010 Duck Seasons** showing the U.S. Fish and Wildlife Service waterfowl status video. The overall duck season length and bag limits are based on mallard population and Canadian ponds. The mallard populations was 8.7 million and the number of ponds in prairie Canada was 3.57 million which represents a liberal framework. The recommendation was for a 60 day season with a 6 duck limit. A 35 percent increase in canvasbacks has resulted in a full 60 day season with a bag limit of 1 per day. A 12 percent increase in scaup generated a moderate recommendation of a full 60 day season with 2 per day limit. Mr. Reynolds then turned the discussion to bad news. He stated the long term declines in mottled duck populations in Texas and declines since 1984 in Louisiana as well as recent harvest increases resulted in a bag limit reduction to 1 per day from 3. The Canada goose season in Louisiana was extended to 44 days with an aggregate bag limit with white-fronted geese. The reason for the concern with mottled ducks was due to the long term population trend for Louisiana and Texas. (Evidence shows Texas has the same population of mottled ducks as Louisiana.) The Fish and Wildlife Service has decided to manage the population as one, so what happens in Texas influences Louisiana. However, Mr. Reynolds noted the population in Texas was on a fairly steep decline whereas the population in Louisiana has been either stable or slightly increasing since the 1970's. But if you look at Louisiana's population since 1994, it shows it has declined fairly sharp. The year 1994 was an important year since that was when the banding project began and the population was at its highest in Louisiana. The Gulf Coast Joint Venture has produced a Mottled Duck Conservation Plan which has goal populations.

The 2009 mid-winter index was 25 percent below the goal which can be classified as the long term average. A chart on mottled duck reproduction showed that ducks are not as productive today as 30 years ago. In the banding program, over 44,000 birds banded with 5,400 recovered, staff has estimated survival rates (lower than other birds) and population growth rates. The results show that the females are declining at 23 percent per year and the males at 17 percent per year. Next shown was a chart on the mid-winter estimates and harvest for the last 4 years. Harvest went from 25,000 in 2005 to 66,000 last year without an increase in the mid-winter population estimates. Mr. Reynolds felt the low numbers from the November surveys and fewer ducks migrating into the state later in the year was possibly putting more pressure on mottled ducks. Composition of mottled duck harvest showed that 80 percent of kill has come in bags with only 1 mottled duck, 17 percent had 2 duck bags and about 2 1/2 percent had 3 ducks. So, if the limit was reduced from 3 to 2, there may be a 2 1/2 percent decrease in harvest, but if it was decreased from 3 to 1, a 19 percent decrease in harvest may be seen. The Fish and Wildlife Service has pressured Louisiana for the last 2 years to a stricter harvest on mottled ducks. After discussions with the Service, Mr. Reynolds noted they agreed to a 60 day season with a 1 mottled duck limit. Commissioner Segrera asked if the reason for the decline was due to habitat. Mr. Reynolds stated the coastal wetlands in Texas has a narrow band and anything that impacts them does so more than in Louisiana; they have lost more of their rice agriculture than has Louisiana; and there was a change in management on the National Wildlife Refuges by eliminating grazing, burning, and a number of units have grown up in Tallow trees, which Louisiana hopes to reverse. He added that Louisiana also has issues with a decline in the coastal wetlands and the lost of rice agriculture. Louisiana was working to develop a spring breeding survey and learning more about the bird. Chairman Samanie asked what would the limit be if Texas was taken out of the equation. Mr. Reynolds believed the Fish and Wildlife Service would still push for harvest restrictions.

Next the season recommendations were discussed. The seasons were basically calendar adjustments from last year with the latest date to hunt being the last Sunday in January which will be the 31st. Duck season will open in the west zone on November 14 and go to December 6 and November 21 to December 6 in the east zone. Bag limit would be 6 ducks per day with no more than 4 mallards of which no more than 2 can be hens, 3 wood ducks, 2 redheads, 2 scaup and 1 pintail, black duck, mottled duck and canvasback. Limit on mergansers will be 5 of which no more than 2 can be hooded. Coot limit will be 15. Possession limit for ducks, coots and mergansers will be twice the daily bag limit. The season for snows and white-fronted geese will be the same as last year except for calendar adjustments. The only change in the bag limit was when the Canada Goose season was open, the limit on dark geese, white-fronted geese and Canada geese will be 2 per day, of which no more than 1 can be a Canada goose. The reason for the change was the extension of the Canada goose season from 16 days to 44 days to correspond with the second split of the duck season. Two other considerations on the Canada goose season was the removal of the Canada goose closure zone in southwest Louisiana and to eliminate the special \$5 permit required to hunt Canada geese. A map of the closure zone, about 771,000 acres was shown which was protecting an estimated 500 to 800 resident Canada

geese. Mr. Reynolds then explained the introduction of these geese was in an effort to establish a huntable population but failed due to the birds not reproducing at a high enough rate for the population to expand. Those birds have not done particularly well, according to Mr. Reynolds, but added that Canada geese as a species has done incredibly well over the last 20 years since the closure zone was implemented. Several states in the Mississippi Flyway have expanded their Canada goose season and it was noted that these animals were the number one nuisance waterfowl call in Louisiana for Mr. Reynolds. He further mentioned that the Department would not entertain the request for another closure zone for Canada geese, thus not wanting to maintain this particular closure. Mr. Reynolds knew that there was opposition to this change from Cameron Parish. Commissioner Sagrera asked what was the reason for the late notice on the closure change. He added he received several phone calls from area hunters and their main complaint was they just found out about the change. Mr. Reynolds noted the Mississippi Flyway Council meeting was held the last week of July and it was at that meeting where the federal framework regulations were set. Following that meeting was when Mr. Reynolds knew that the Canada goose season was extended. But he learned at the meeting that the Louisiana closure was not a federal closure zone, but a state zone. So, Mr. Reynolds noted July 28 would have been the earliest he could have notified the Commission of the change. Commissioner Oats asked if anyone was pushing to remove the closure and Mr. Reynolds answered no. Commissioner Sagrera asked what would be the earliest the west zone could open and he was told October 1. Dates for the Conservation Order for light geese would be during the split for the west and east zones and then from February 6 to March 14 in the west zone and from February 1 to March 14 in the east zone. Dates for rail and gallinules, following the 16 days in September, will be November 14 to January 6 statewide and the limits would remain the same. Snipe season would run from November 7 to December 11 and then from December 19 to February 28. The extended falconry days were the same 107 days, except for the 16 days used in September. Commissioner Morrow asked if the snipe regulation to use steel shot on WMAs was still in effect. Mr. Reynolds stated the Commission voted last year to pull that regulation even with the adamant opposition from the late Commissioner Miller. He added that hunters must use steel shot for rails and gallinules but can use lead shot for snipe on WMAs. Commissioner King asked how long has the Canada goose closure been in effect. Mr. Reynolds stated a Canada goose season was opened in 1990, but in 1991 the closure zone was implemented. Commissioner King asked the reason for the implementation in that particular area. The Department began restocking Canada geese in the area in order to build a huntable population in the late 1970's, and it had only been about 10 years since the effort started when the closure was implemented. It was also mentioned that the closure zone was a product of local desire for their geese. Then Commissioner King asked if this was a biology issue and Mr. Reynolds stated absolutely not. Commissioner King felt the public had not had sufficient time to comment. Chairman Samanie could not understand that the mottled duck limit would go from 3 to 1 with the population being the same as in 1991, but the Canada geese production was down and there would be an extra 28 days added to the season plus open an area previously closed. Mr. Reynolds felt the population of Canada geese in that closed area would not reach a huntable population, but added the population of Canada geese in the state was expanding almost to the point of being a nuisance.

Again, he added there was no biological reason to keep the zone in place. Commissioner Oats asked if there was any significant enforcement issues with the closure. Lt. Col. Keith LaCaze stated there were no significant problems since it had been in place for such a long time; but if it was removed, it would make their jobs easier. Commissioner Morrow asked how much impact there may be to remove the \$5 Canada goose permit. Mr. Reynolds stated there have been about 2,000 to 2,100 permits sold over the last several years which would make that come to about \$10,000. Hearing no further questions, Commissioner Oats made a motion to approve the recommendations and it was seconded by Commissioner Morrow. Commissioner Sagrera commented that due to the late notice to the change in the closure zone and the sensitive nature of the issue, he offered an amendment to the motion to maintain the closure zone for the upcoming season which would give the public time to comment. Commissioner King seconded the amendment. Commissioner Oats agreed with Mr. Reynolds but felt he should support the amendment with the lateness of the notice, the fact there has been no problems and the lack of public input. With no further discussion, the amendment passed with no opposition. Then the Commission voted unanimously for the original motion with the amendment.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

LOUISIANA WILDLIFE AND FISHERIES COMMISSION
LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES
August 6, 2009

The following was adopted by the Louisiana Wildlife and Fisheries Commission at its regular Commission Meeting in Baton Rouge, Louisiana, August 6, 2009.

WHEREAS, public hearings have been held to discuss the status of waterfowl, including ducks, coots, and geese in Washington, D.C., and

WHEREAS, rules and regulations governing waterfowl season framework have been developed by the U.S. Fish and Wildlife Service, and

WHEREAS, the Department of Wildlife and Fisheries staff has presented recommendations for waterfowl including season dates, bag limits and shooting hours, and

WHEREAS, it is the constitutional responsibility of the Wildlife and Fisheries Commission to establish hunting seasons for waterfowl within the constraints of the U.S. Fish and Wildlife Service framework, now

THEREFORE BE IT RESOLVED, that on this date, the Wildlife and Fisheries Commission does hereby tentatively adopt the attached season dates, bag limits and shooting hours, and

BE IT FURTHER RESOLVED, that these tentative dates will be ratified by Declaration of Emergency unless significant changes are mandated by the U.S. Fish and Wildlife Service and the Secretary is hereby authorized and delegated the authority to take any and all steps necessary on behalf of the Commission to promulgate and effectuate these seasons as a Declaration of Emergency; and

BE IT FURTHER RESOLVED, that these dates will be forwarded to the U.S. Fish and Wildlife Service as regulations set for Louisiana's 2009-2010 Migratory Bird Hunting Regulations.

Robert J. Samanie, III, Chairman
Wildlife and Fisheries Commission

To receive and consider Resolution on Elmer's Island was handled by Mr. Donald Puckett. The Resolution was required so the Department could undertake formal management of the area. Mr. Puckett added that the public has begun utilizing the area and the road was recently improved and extended with mats down to the beach for easy access. He then thanked the Department of Transportation and Development for the efforts in improving the road. The area right now was restricted to day use only on Fridays, Saturdays and Sundays. The refuge will be managed by the Office of Fisheries. A Notice of Intent would be presented at the next meeting on user regulations. Mr. Puckett then asked the Commission to approve the Resolution. Commissioner Oats made a motion to approve the Resolution, seconded by Commissioner Sagrera and passed with no opposition.

(The full text of the Resolution is made a part of the record.)

RESOLUTION

Elmer's Island Wildlife Refuge

Adopted by the
Louisiana Wildlife and Fisheries Commission

WHEREAS, The State of Louisiana is the owner of certain lands, including water bottoms, known as Elmer's Island, located in the Parish of Jefferson, state of Louisiana, described herein as 244 acres, more or less, and as more

particularly described in Attachment A, which is attached hereto and made a part hereof.

WHEREAS, this property contains valuable fish and wildlife habitat, the protection and proper management of which is critical to the State's conservation and wildlife refuge efforts,

WHEREAS, it is the recommendation of the Secretary of the Department of Wildlife and Fisheries that in order to enhance fish and wildlife habitat in the state and provide for appropriate public use and recreational opportunities on these lands, including water bottoms, that these lands be selected and established as a wildlife refuge.

WHEREAS, it is the further recommendation of the Secretary of the Department of Wildlife and Fisheries that the Wildlife and Fisheries Commission select all State owned lands and leased lands, including water bottoms, located within Elmer's Island as described herein and more fully described in Attachment A hereto, and identified on the attached map, and all adjacent state owned water bottoms, and establish these lands, including water bottoms, as The Elmer's Island Wildlife Refuge.

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission, in accordance with the laws of the state of Louisiana, particularly Title 56, Sections 109 and 781, does hereby select all lands known as Elmer's Island comprising 244 acres, more or less, including all water bottoms and adjacent water bottoms owned by the state, as more particularly described in Attachment A, which is attached hereto and made a part hereof, and establish said lands, including water bottoms, as The Elmer's Island Wildlife Refuge.

BE IT FURTHER RESOLVED, that this property shall be used exclusively for wildlife refuge purposes, and as such, is perpetually dedicated to the protection of the wild birds, fish, and wildlife and their habitat, and allow such public recreation, including fishing, which is consistent with these purposes.

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission authorizes the Secretary of the Department of Wildlife and Fisheries, on behalf of the Commission, to take all actions necessary in furtherance of this resolution.

Robert J. Samanie, III, Chairman
Wildlife and Fisheries Commission

To receive and consider Resolution and Declaration of Emergency to set the opening and closing dates for the 2009 Fall Inshore Shrimp Season was presented by Mr. Marty Bourgeois. The presentation began with a slide showing Annual Louisiana Shrimp Landings for all species combined from 1976 to 2008. The landings were basically driven by environmental conditions but since 2000, they were driven by economic conditions. In 2008, total landings, when converted to heads off, was about 57.8 million pounds with a dockside value of \$133.5 million. The next slide plotted brown shrimp landings against long term mean which was about 31.7 million pounds. Over the last 5 years, brown shrimp landings has fallen considerably below the mean. But the white shrimp landings over the last 6 years have been considerably above the long term mean of 32.1 million pounds. The next chart showed the different sizes of shrimp harvested in Louisiana compared with those harvested in Federal waters for 2007 against 2008. Most of the shrimp smaller than 31-35's were harvested from state waters. Next was a chart on shrimp landings plotted against trip lengths for 2000 which was a high year and 2008. About 1/3 of the shrimping trips spanned less than 2 days in 2008. Shrimp landings based on the number of fishermen that reported landings ranged from less than 1000 pounds up to greater than 200,000 pounds. Mr. Bourgeois noted it was obvious the number of fishermen has declined over the years. He felt it was interesting that in 2008 about 36 percent of all shrimp fishermen landed less than 5000 pounds of shrimp, about 21 percent landed more than 50,000 pounds, and 8 percent landed more than 100,000 pounds. A map of the three Shrimp Management Zones was shown which has been used since mid-1970's. The next series of slides were results from white shrimp catch per unit effort of mean size from 16 foot trawl samples for work weeks 30 and 31 in the 3 zones. The Department recommendations was to open Zone 1 on Monday, August 10 and close the season on December 22 except for the open waters of Breton and Chandeleur Sound which would stay open until March 31, 2010; Zones 2 and 3 would open on Monday, August 10 and close on December 22. The Resolution, if approved, would give the Secretary authority to change the closing dates if biological or technical data indicated the need to do so or if enforcement problems developed. Commissioner Morrow asked if the Department proposed a 6 AM opening and Mr. Bourgeois answered yes. He noted this was a compromise to see how well the fleet behaves. Hearing no questions, Commissioner Morrow made a motion to adopt the recommendations and it was seconded by Commissioner King. Commissioner King expressed appreciation to Mr. Bourgeois in giving the Commission their best recommendations in opening the shrimp season. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION

2009 Fall Shrimp Season
Louisiana Wildlife and Fisheries Commission
August 6, 2009

WHEREAS, R.S. 56:497 authorizes the Wildlife and Fisheries Commission to fix no less than two open shrimp seasons each calendar year for all inside waters by zone, and

WHEREAS, R.S. 56:497 provides that shrimp season openings shall be based on biological and technical data which indicate that marketable shrimp, in sufficient quantities, are available for harvest, and

WHEREAS, R.S. 56:498 provides that the minimum legal possession count on saltwater white shrimp shall average no more than 100 whole specimens to the pound (100 count per pound), except during the time period from October fifteenth through the third Monday in December when there shall be no possession count, and

WHEREAS, historical and current biological sampling conducted by the Department of Wildlife and Fisheries has indicated that the majority of white shrimp in Shrimp Management Zones 1, 2 and 3 will average 100 count per pound minimum legal size or larger by the second Monday in August, now

THEREFORE BE IT RESOLVED, a Declaration of Emergency setting the 2009 Fall Shrimp Season in the inside waters of Zones 1, 2 and 3 is attached to and made a part of this resolution.

BE IT FURTHER RESOLVED, the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates if biological or technical data indicate the need to do so or if enforcement problems develop and to close and reopen all or parts of state inside and outside waters if significant numbers of small white shrimp are found in these waters.

Robert J. Samanie, III, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2009 Fall Shrimp Season

In accordance with the emergency provisions of R.S. 49:953(B) and R.S. 49:967 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons and R.S. 56:497 which provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all

or parts of state inside waters and shall have the authority to open or close state outside waters, the Wildlife and Fisheries Commission does hereby set the 2009 Fall Shrimp Season in inside waters to open as follows:

Shrimp Management Zone 1, that portion of Louisiana inside waters from the Mississippi-Louisiana state line to the eastern shore of South Pass of the Mississippi River, to open at 6:00 a.m. August 10, 2009, and

Shrimp Management Zone 2, that portion of state inside waters from the eastern shore of South Pass of the Mississippi River to the western shore of Vermilion Bay and Southwest Pass at Marsh Island, to open at 6:00 a.m. August 10, 2009, and

Shrimp Management Zone 3, that portion of state inside waters from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Louisiana-Texas state line, to open at 6:00 a.m. August 10, 2009.

The Commission also hereby sets the closing date for the 2009 Fall Shrimp Season in inside waters in Zones 1, 2 and 3 at official sunset December 22, 2009 except in the open waters of Breton and Chandeleur Sounds as described by the double-rig line (LA R.S. 56:495.1(A)2) which shall remain open until 6:00 a.m., March 31, 2010. The Commission also grants authority to the Secretary of the Department of Wildlife and Fisheries to change the closing dates if biological and technical data indicate the need to do so or if enforcement problems develop and to close and reopen all or parts of state inside and outside waters if significant numbers of small white shrimp are found in these waters.

Robert J. Samanie, III
Chairman

To receive and consider Resolution and Declaration of Emergency for the 2009-2010 Oyster Season on Public Oyster Areas began with Mr. Patrick Banks stating he would present the 2009 stock assessment. The management goal for the public oyster areas follows the Department's mission statement in order to have resources each year. The areas are also managed to provide seed oysters for transplant onto leases and to provide sack oysters that are brought to market. Biological samples is the main way the goals are accomplished which determines the annual stock size. Staff helps enhance the habitat for oysters by building reef habitat in order to provide new material for larvae to settle on and start to grow. Seasonal frameworks are set through Commission action and harvest restrictions are set in law. Based on sampling, there has been a drop off of oyster resource for 2009 from a statewide standpoint. There was a 30 percent decrease in seed oyster this year and a larger decrease (52 percent) of market sized oysters. From a historic graph, the industry has been operating well below the long term averages for both seed resources and sack resources. The 2009 stock assessment was the lowest in the last 20 years. Next, Mr. Banks explained how the resources were distributed across the state. Coastal Study Area 1 had about 16 percent of seed resources and 29 percent of sack resources, and those resources dropped overall by about 70 percent since last year. Coastal Study Area 2 had

about 43 percent of the statewide seed resource and 13 percent of the market resource. About 2 percent of the seed resource was available in the Barataria Bay Basin and less than 1 percent of the market sized resource. This was one of the bright spots for this year.

In Coastal Study Area IV, there was a decrease in available resource (less than 1 percent of seed and sack oysters) in the Lake Chien and Lake Felicity areas. In the Terrebonne area, about 16 percent of the seed resource and 7 percent of the market sized resource were available. Due to incomplete information on reef acreage in Coastal Study Area VI, total stock size was not available, but samples did show a few seed oysters were available.

In the Calcasieu Lake area, a strong resource continued to be available with about 23 percent of the seed resource and over half of the market sized oysters. Then Mr. Banks presented the Department's recommendations: the season for the primary public oyster areas east of the Mississippi River would run from September 9 to September 23 for bedding purposes only and then reopen from October 28 to April 1. Within this area, the proposal was to keep closed Lake Machias and Lake Fortuna which was about a 1500 acre area. The season for Hackberry Bay would be October 28 to November 4. But on the Hackberry Cultch Plant, the season would be October 28 to October 31. Little Lake would have the same season as east of the River, September 9 to September 23 and then October 28 to April 1. There will be a short season (September 9 to September 30) in the Barataria Bay area which was one of the bright spots. In Sister Lake, there will be a restricted season with a 50 sack limit which came as a request from the Oyster Task Force.

The Vermilion Bay area season would be September 9 to April 20. Calcasieu Lake season would be October 15 to April 30 with an increase in the sack limit from 15 to 20, which was also a request from the Oyster Task Force. Mr. Banks then asked that the 2009 cultch plants, Lake Machias-Lake Fortuna area, Deep Lake, Lake Chien, Lake Felicity, Lake Tambour Public Oyster Seed Grounds, and Sabine Lake remain closed this season. Chairman Samanie asked if the low stock assessment was due to habitat change or were too many oysters being harvested. Mr. Banks felt it was a number of issues working together such as habitat conditions, environmental conditions and impact from direct harvest. Chairman Samanie asked if all of the seed areas had sack limits. Mr. Banks noted that by law, the only area mandated to have a sack limit was Calcasieu and Sabine Lakes. But last year the Commission imposed a 50 sack limit regulation on Sister Lake. He added that the Task Force had a discussion on imposing a sack limit east of the River, but no recommendation was made. Chairman Samanie asked if the Department agreed with the Task Force and was told a sack limit was one of the tools for the Department. The areas east of the River can be handled by season length just as easily as with a sack limit, added Mr. Banks. Chairman Samanie then asked how much will the sack limits change the allocation between the larger boats versus the smaller boats. Mr. Banks felt it would depend on the number of sacks imposed.

Mr. Scott Parker felt the 15 sack limit was why the resources in Cameron area were still there. He noted they went from tonging oysters to hand dredge to mechanical dredge and now an increase in sacks. Mr. Parker commented this may increase the number of boats to Cameron which may deplete the resources. He asked that the sack limit remain at 15 for now.

Hearing no further comment, Commissioner Oats made a motion to approve the recommendations except keep the sack limit in Calcasieu at 15. Commissioner Morrow seconded the motion. Commissioner Oats felt the numbers seemed alarming and wondered if the Commission needed to be a bit more aggressive in protecting the resource. The motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION
2009/2010 Oyster Season on the Public Oyster Grounds
August 6, 2009

WHEREAS, Louisiana Revised Statutes (R.S.) 56:433 provides that the Public Oyster Seed Grounds may be fished for seed oysters only starting on the first Wednesday following Labor Day which in 2009 is September 9, and

WHEREAS, R.S. 56:433 further provides that the public grounds may be opened beginning on the second Monday in October, which in 2009 is October 12, for the taking of oysters for market sales in addition to the harvest of seed oysters, and

WHEREAS, the oyster resources on the public oyster areas of Louisiana have been biologically monitored and evaluated, and the estimated available supply and size variation has been determined, and

WHEREAS, R.S. 56:433 mandates a sacking only area on the Public Grounds east of the Mississippi River and further mandates that one such area shall be located in the American Bay area, and

WHEREAS, R.S. 56:433 (B.1) allows the Department to designate from which natural reefs oysters may be fished and the quantity to be taken therefrom, and

WHEREAS, R.S. 56:435.1(F) and R.S. 56:435.1.1(D) authorizes the Commission to set the harvest limit in Sabine and Calcasieu Lakes to be no more than 25 sacks of oysters per day per licensed vessel, and

WHEREAS, the Commission has considered the recommendations of the Louisiana Oyster Task Force as provided for in R.S. 56:433(B.1),

THEREFORE BE IT RESOLVED, that the 2009/2010 oyster season on Louisiana public oyster areas is detailed in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of

Wildlife and Fisheries is authorized to take emergency action, if necessary, to close areas if oyster mortalities are occurring, or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended or may open areas if substantial oyster resources are located, and

BE IT FURTHER RESOLVED, that the notice of any opening, delaying, or closing of a season will be made by public notice at least 72 hours prior to such action, unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns, and

BE IT FURTHER RESOLVED, a Declaration of Emergency setting the 2009/2010 oyster seasons on the public oyster areas is attached to and made part of this resolution.

Robert J. Samanie, III, Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953(B) and 967(D), and under the authority of R.S. 56:433, R.S. 56:435.1, and R.S. 56:435.1.1(D) notice is hereby given that the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby declare:

The 2009/2010 oyster season in the primary public oyster seed grounds east of the Mississippi River, as described in Louisiana Administrative Code (LAC) 76:VII.511 and LAC 76:VII.513, including the Bay Gardene Public Oyster Seed Reservation as described in R.S. 56:434.E, shall open one-half hour before sunrise on September 9, 2009 for the harvest of seed oysters for bedding purposes only until one-half hour after sunset on September 23, 2009, except for the Lake Machias/Fortuna Sacking-Only Area of the public grounds which is generally Lake Fortuna and Lake Machias to a line from Mozambique Point to Point Gardner to Grace Point at the Mississippi River Gulf Outlet, the Sacking-Only Area in the American Bay area which shall be that portion of the public grounds within Bay

Long west of a line running generally north/south from a point at 29 degrees 31 minutes 13.78 seconds N latitude, 89 degrees 34 minutes 9.79 seconds W longitude to a point at 29 degrees 29 minutes 40.67 seconds N latitude, 89 degrees 34 minutes and 8.48 seconds W longitude, and the 2009 cultch plant areas in Black Bay and Three-Mile Bay within the following coordinates, which shall remain closed:

2009 Cultch Plant in Black Bay – Plaquemines Parish

1. 29 degrees 36 minutes 55.598 seconds N latitude
89 degrees 32 minutes 30.482 seconds W longitude
2. 29 degrees 36 minutes 25.239 seconds N latitude
89 degrees 32 minutes 12.858 seconds W longitude
3. 29 degrees 36 minutes 14.674 seconds N latitude
89 degrees 32 minutes 47.070 seconds W longitude
4. 29 degrees 36 minutes 45.476 seconds N latitude
89 degrees 33 minutes 02.681 seconds W longitude

2009 Cultch Plant in Three-Mile Bay – St. Bernard Parish

1. 30 degrees 01 minutes 15.884 seconds N latitude
89 degrees 21 minutes 19.511 seconds W longitude
2. 30 degrees 01 minutes 34.630 seconds N latitude
89 degrees 20 minutes 58.811 seconds W longitude
3. 30 degrees 01 minutes 11.418 seconds N latitude
89 degrees 21 minutes 12.304 seconds W longitude
4. 30 degrees 01 minutes 29.772 seconds N latitude
89 degrees 20 minutes 52.475 seconds W longitude

The primary public oyster seed grounds east of the Mississippi River, as described in Louisiana Administrative Code (LAC) 76:VII.511 and LAC 76:VII.513, including the Bay Gardene Public Oyster Seed Reservation as described in R.S. 56:434.E, and including the Lake Machias/Fortuna Sacking-Only Area and the Sacking-Only Area in the American Bay area as described above, shall then open at one-half hour before sunrise on October 28, 2009 for the taking of both seed and market-size oysters and shall close one half-hour after sunset on April 1, 2010, except for the following areas, which shall remain closed:

1. 2009 Cultch Plant in Black Bay as described above;
2. 2009 Cultch Plant in Three-Mile Bay as described above;

3. Southwest portion of Lake Fortuna which shall be that portion of the Lake Machias/Fortuna sacking-only area south of 29 degrees 40 minutes 00.00 seconds N latitude and west of 89 degrees 30 minutes 00.00 seconds W longitude.

The oyster season in the Hackberry Bay Public Oyster Seed Reservation as described in R.S. 56:434.E shall open at one-half hour before sunrise on October 28, 2009 and shall close at one-half hour after sunset on November 4, 2009, except for the 2008 cultch plant within the following coordinates which shall open at one-half hour before sunrise on October 28, 2009 and shall close at one-half hour after sunset on October 31, 2009:

2008 Cultch Plant in Hackberry Bay – Jefferson/Lafourche Parish

1. 29 degrees 25 minutes 28.80 seconds N latitude
90 degrees 01 minutes 17.11 seconds W longitude
2. 29 degrees 25 minutes 37.79 seconds N latitude
90 degrees 00 minutes 55.39 seconds W longitude
3. 29 degrees 25 minutes 28.61 seconds N latitude
90 degrees 00 minutes 50.44 seconds W longitude
4. 29 degrees 25 minutes 19.63 seconds N latitude
90 degrees 01 minutes 12.17 seconds W longitude

The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII:521 shall open one-half hour before sunrise on September 9, 2009 for the harvest of seed oysters for bedding purposes only until one-half hour after sunset on September 23, 2009. This area shall then re-open at one-half hour before sunrise on October 28, 2009 for the taking of both seed and market-size oysters and shall close one half-hour after sunset on April 1, 2010.

The oyster season in the Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII.517 shall open one-half hour before sunrise on September 9, 2009 for the harvest of seed oysters for bedding purposes only until one-half hour after sunset on September 30, 2009.

The oyster season in the Sister Lake Public Oyster Seed Reservation as described in R.S. 56:434.E shall open one-half hour before sunrise on October 28, 2009 and shall close one-half hour after sunset on November 13, 2009, except for the 2009 cultch plant located within the following coordinates which shall remain closed:

2009 Cultch Plant in Sister Lake – Terrebonne Parish

1. 29 degrees 14 minutes 50.179 seconds N latitude
90 degrees 55 minutes 01.367 seconds W longitude
2. 29 degrees 14 minutes 59.743 seconds N latitude
90 degrees 54 minutes 27.704 seconds W longitude
3. 29 degrees 14 minutes 39.398 seconds N latitude
90 degrees 54 minutes 17.987 seconds W longitude
4. 29 degrees 14 minutes 30.384 seconds N latitude
90 degrees 54 minutes 50.702 seconds W longitude

The oyster season in the Sister Lake Public Oyster Seed Reservation shall be opened as above with the following provisions:

1. Any vessel from which any person(s) takes or attempts to take oysters from the Sister Lake Public Oyster Seed Reservation described above shall:
 - a. Be limited to a daily take and possession limit not to exceed 50 sacks of oysters per vessel. A sack of oysters for the purposes of this declaration of emergency shall be defined as the size described in R.S. 56:440. The daily take and possession limit shall not apply to vessels harvesting seed oysters from the reservation for bedding purposes. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit.
 - b. Be limited to either harvesting oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both.
2. If any person on a vessel takes or attempts to take oysters from the public oyster seed reservation described above, all oysters contained on that vessel shall be deemed to have been taken from said reservation.
3. Any oysters taken for direct sale (sacking) from the public oyster seed reservation described above must be contained within properly tagged sacks prior to departing the public oyster seed reservation; and undersized oysters that do not meet the requirements set forth in R.S. 56:433(A) and non-living reef material shall be immediately replaced and scattered broadcast upon the public oyster seed reservation from which taken.

The Vermilion/East and West Cote Blanche/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open one-half hour before sunrise on September 9, 2009 for the harvest of seed oysters for bedding purposes only until one-half hour after sunset on October 11, 2009. These areas shall then re-open

at one-half hour before sunrise on October 12, 2009 for the taking of both seed and market-size oysters and shall close one half-hour after sunset on April 30, 2010.

The oyster season in the Calcasieu Lake public oyster area, as described in R.S. 56:435.1 and R.S. 56:435.1.1, shall open one-half hour before sunrise on October 15, 2009 and shall close one half-hour after sunset on April 30, 2010, with the exception of the 2009 cultch plant within the following coordinates which shall remain closed:

2009 Cultch Plant in Calcasieu Lake – Cameron Parish

1. 29 degrees 50 minutes 36.930 seconds N latitude
93 degrees 19 minutes 14.977 seconds W longitude
2. 29 degrees 50 minutes 33.787 seconds N latitude
93 degrees 19 minutes 14.102 seconds W longitude
3. 29 degrees 50 minutes 34.266 seconds N latitude
93 degrees 19 minutes 12.365 seconds W longitude
4. 29 degrees 50 minutes 31.840 seconds N latitude
93 degrees 19 minutes 11.817 seconds W longitude
5. 29 degrees 50 minutes 32.893 seconds N latitude
93 degrees 19 minutes 06.405 seconds W longitude
6. 29 degrees 50 minutes 34.263 seconds N latitude
93 degrees 19 minutes 01.273 seconds W longitude
7. 29 degrees 50 minutes 39.274 seconds N latitude
93 degrees 19 minutes 02.220 seconds W longitude
8. 29 degrees 50 minutes 39.047 seconds N latitude
93 degrees 19 minutes 07.548 seconds W longitude

The sack limit for Calcasieu Lake is set at 15 sacks per day as provided for in R.S. 56:435.1.1. However, these conservation actions shall not supersede public health closures.

The following areas will remain closed for the entire 2009/2010 oyster season:

1. The southwest portion of the Lake Machias/Fortuna Sacking-Only Area described above;
2. The 2009 cultch plants as described above in Three-Mile Bay, Black Bay, Sister Lake, and Calcasieu Lake;

3. Deep Lake Public Oyster Seed Grounds (as described in LAC 76:VII:517);
4. Lake Tambour Public Oyster Seed Grounds (as described in LAC 76:VII:517);
5. Lake Chien Public Oyster Seed Grounds (as described in LAC 76:VII:517);
6. Lake Felicity Public Oyster Seed Grounds (as described in LAC 76:VII:517);
7. Lake Mechant Public Oyster Seed Grounds (as described in LAC 76:VII:517);
8. Bay Junop Public Oyster Seed Reservation (as described in R.S. 56:434.E);
9. Sabine Lake Public Oyster Area (as described in R.S. 56:435.1).

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close areas if oyster mortalities are occurring or to delay the season or close areas where significant spat catch has occurred with good probability of survival, or where it is found that there are excessive amounts of non-living reef material in seed oyster loads, or if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

The Secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Robert J. Samanie, III
Chairman

The Commissioners agreed to hold the **December 2009 Meeting** on Thursday, December 3, 2009, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments**. Mr. Ronald Coco, Avoyelles Wildlife Federation, talked about a bridge that was closed on Red River along Highway 15. With this bridge closed, hunters from Jonesville-Ferriday area do not have access to the WMA without having to go 40 miles out of the way. The hunters were wondering if the bridge was to be replaced and asked if the bridge could be open for ATV traffic only. Commissioner King asked who did the bridge belong to and was told it was a state bridge with the Department of Transportation and Development. Then Commissioner King asked Mr. Kenny Ribbeck to contact DOTD and see if the bridge could be certified for ATV traffic. Mr.

Ribbeck answered he would check into it. Mr. Coco added that just before the bridge was closed, logging occurred and once that was finished, the bridge was closed. Commissioner King thought maybe the log trucks may have damaged the bridge.

There being no further business, Commissioner King made a motion to **Adjourn** the meeting and it was seconded by Commissioner Oats.

Robert J. Barham
Secretary

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